

Report

Report subject : Land at London Road, Salisbury 2006/0808 & 2006/0807
Report of : Principal Planning Officer
Date : Thursday 20 July 2006
Author : Adam Madge

Report Summary:

Members will recall at their last meeting of city area committee held on the 22nd June 2006 that it was resolved that planning permission be granted for these two developments subject to receiving an undertaking from the applicants that they would provide for additional infrastructure requirements associated with the development.

To recap members resolved that planning permission be granted subject to the following -

- a) an additional 3 year time condition.
- b) all the conditions and heads of terms referred to in the officer report and additional correspondence.
- c) a financial contribution towards the future provision of an off site cycle lane along London road.
- d) adequate covered cycle parking provision on site.
- e) a contribution towards the provision of two bus stops and shelters on either side of London Road.
- f) a scheme to limit the lighting of the buildings and site after office hours.
- g) a restriction on hours of construction (to be agreed with EHO)

Following this the local authority received the following response from the applicant to these issues.

1. *"The financial contribution for the wider provision of a cycleway (over and above that already secured through this application), my Client feels any further contribution is totally unreasonable, and is not firmly related to the development (a view some of your members, and the presenting Officer also held). In addition, this was not an issue raised by WCC Highways (during two+ years of negotiation), and thus, is not justifiable in these terms.*
2. *The provision of new covered bus stops again is considered unreasonable in relation to the scale of the proposed development. As with the above point, this was not raised as a concern by WCC Highways, so again is not justifiable in these terms.*



Awarded in:
Housing Services
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3. *The extent of the cycle parking (to be covered) is accepted, and we will provide the details of this in due course (prior to the 13 weeks date).*
4. *The lighting of the buildings will be in full accordance of Building Regulation Part L, which requires motion censored lighting. Therefore, we will conform to Members' concerns on this issue.*

As I previously stated, and a point you were to seek clarification from your legal representative who was at the committee, all these issues were to be negotiated by Officers, and the final decision to be delegated to them, rather than the applications having to go to committee again (and thus going over 13 weeks for determination). This is a point that both myself and my Client clearly remember from the committee meeting, as we were both in attendance. May I suggest that the person taking the minutes of the meeting may also be able to answer this question while the presenting officer is on leave.

Finally, until we have a clear indication from the Council that these issues do not have to go back to committee, we will not be withdrawing our appeal on the site. Thus, if we did result in going to appeal, I consider the Council would find it difficult to justify withholding the consent based on the provision of 2 bus stops (on a very narrow stretch of London Road), and the provision of a wider cycle lane (over and above the existing provision already negotiated through the legal agreement). “

It can be seen from this that although the applicants have agreed to provide further details of the cycle parking and have no objection to the control of lighting or the other conditions listed above, they do have concerns as regards the provision of the cycleway and the additional bus stops.

Wiltshire County Council highways response

Wiltshire County Councils highways department have responded to these two issues as follows.

1. *This Authority worked hard in an attempt to gain a shared footway/cycleway along the site frontage to London Road, but this could not be physically achieved in the form that the development is proposed. An alternative arrangement was offered by the developer to fund a new toucan crossing (cyclists and pedestrians can cross the road simultaneously) and a new shared footpath/cycleway link to the internal development road and footway. The route would be through land forming a landscaped area of the park and ride site. As a shared use footway/cycleway route was provided by the previous developer on the opposite side of London Road (linking to Seth Ward Drive), and the proposed toucan and link have been agreed subject to inclusion in a Section 106 Agreement, it does not appear reasonable to require additional cycle improvements. Also, there is little opportunity to develop new cycle routes without the use of third party land - such requirements could lead to possible ransom of development land. The additional requirement is not therefore supported by this Authority.*
2. *There is a nearby bus stop but land is not necessarily available to place a shelter at this location (immediately north of roundabout serving the development). There is insufficient space on the opposite side of the road and a shelter at this location would be unnecessary. Shelters could be provided or paid for within the Hampton Park housing development. A shelter with real time information and bus boarder raised kerbs would cost in the order of £13,500 and a real time information flag stop only would cost around £6,000. Although any additional contributions would be welcomed by this Authority, it is considered that the introduction of the toucan crossing and link to the development, at the expense of the developer, is of greater importance and should be secured. The cost of this work would be likely to be around £70-80,000, but a final figure has not yet been obtained. It should be considered that bus shelters were not sought for the earlier development or during the construction of the housing development. On balance, the requirement for additional funding is not supported.*

Obviously, if the developer offers additional contributions, these would be welcome.

Bus stops

The applicants contend that the provision of two covered bus stops is unreasonable in relation to the scale of the development. They state that these were not requested with previous developments that were proposed on the site and therefore should not be requested with this one.

Wiltshire County Councils highways department have been consulted on the proposal for the additional bus stops and have stated that there is already a bus stop immediately north of the roundabout that would serve this development. There is further the likelihood that there is insufficient space available to provide a bus shelter with this bus stop. The highways officer's opinion is that there is also insufficient space on the opposite side of the road and a shelter in that location would be unnecessary. The highway officer's opinion is that the introduction of the Toucan crossing as proposed would be more beneficial than the bus shelters. The Toucan crossing would cost in the region of £70,000 - £80,000 whereas a bus shelter would only cost up to £13,500. It is considered more beneficial by the highways authority to secure the Toucan crossing.

In view of the fact that there is no space at the current locations of the bus stops for shelters and that they are themselves located close enough to serve the development it is not considered necessary to provide for further bus shelters or stops to serve this site. It should be noted however that officers disagree with the applicants contention that the site is not of a size as to warrant the requirement for bus stops or shelters as there will clearly be a considerable number of people working at this site more than enough to warrant the need for bus shelters or stops if they were not already provided close to the site.

In concluding this issue it is considered that because of the location of existing bus stops close to the site and the fact that the existing locations are not of a sufficient size to locate bus shelters on, that the requirement to provide additional bus shelters and stops specifically to serve this development is unreasonable in this instance.

Cycleway provision

Members requested that the developers be asked to provide a cycleway to serve the site. The applicants consider that requesting a financial contribution for the wider provision of a cycleway is totally unreasonable and is not firmly related to the development.

The highways officer at Wiltshire County Council has stated that although a shared cycle/footpath had tried to be negotiated along the front of the site this was not physically possible given the form of the development proposed which is why the cycleway which is proposed for this development runs around and down the side of the site utilising the toucan crossing. It is not considered reasonable to request further cycleway provision over and above that already being provided by the developers to serve the development.

It is officer's opinion that the view of highways officers is correct. Planning authorities can only request contributions towards off site infrastructure that can be reasonably expected to serve the development. A cycle route over and above that already being proposed is not considered to be reasonably related to the development as it would extend well beyond a reasonable distance from the site and would be on top of the already negotiated cycleway provision. Such additional cycleway provision is not considered necessary or reasonable to serve this development.

Conclusion

For the reasons outlined in the above report it is not considered necessary to request the applicants to provide additional bus stops/ shelters or a cycleway as previously required by members.

Recommendation: That the application be approved as per the officers previous report with additional conditions to cover the control of lighting at the site, a three year time limit for development to commence and a limitation on the hours of construction as well as subject to receiving a suitable plan showing adequate cycle parking provision.